

REMARKS/ARGUMENTS

The non-final Office Action mailed December 7, 2009, has been carefully reviewed and these remarks are responsive to that Office Action. Claims 1-4, 7-11, and 21-32 are pending in this Application. Claims 1-4, 7-11, and 21-25 have been amended. No new matter has been added to the amended claims. The amendments are supported by the patent application as originally filed, *e.g.*, Figure 2 and page 12, lines 9-17. The Examiner is invited to contact the undersigned should it be deemed helpful to facilitate prosecution of the application.

Rejection under 35 U.S.C. § 101

Claims 25-32 are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. More specifically, the Office Action on page 2 alleges that while the claims recite a series of steps or acts to be performed, a statutory “process” under 35 U.S.C. 101 must transform the underlying subject matter or tie the process steps to another statutory category. Claim 25 has been amended to tie the process steps to an apparatus (*i.e.*, a demultiplexer, data processor, decoder, etc. As shown in Figure 2, each of these modules represents parts of an apparatus. Therefore, reconsideration and allowance of claim 25 are respectfully requested. Claims 26-32 depend from independent claim 25 and are, therefore, allowable for depending on an allowable claim in addition to the features they recite.

Rejection under 35 U.S.C. § 103

Claim 1-3, 7, 11, 21-23, 25, 26 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perlman (U.S. Patent No. 6,813,643), hereinafter referred to as Perlman, in view of Rakib (U.S. Publication No. 2002/0031120), hereinafter referred to as Rakib and Hatanaka (U.S. Patent No. 6,397,000), hereinafter referred to as Hatanaka.

Claims 4, 24 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perlman, Rakib and Hatanaka, as applied to claim 1 above, and further in view of Chelehmal (U.S. Publication No. 2002/0046406), hereinafter referred to as Chelehmal.

Claims 8-10, 30, 31 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perlman, Rakib and Hatanaka as applied to claim 1 above, and further in view of Lu (U.S. Publication No. 2004/0179610), hereinafter referred to as Lu.

Claim 1 has been amended to recite, among other things:

a demultiplexer in communication with the switch and the data processor configured to process AV payloads both from the separate AV packets of the integrated transport and from the AV signals of the AV only transport, wherein the AV signals of the AV only transport are received directly from the switch and wherein the AV packets associated with the integrated transport are received through a signaling pathway in which the switch outputs the integrated transport associated with the AV packets directly to the data processor and the data processor outputs the AV packets directly to the demultiplexer;

None of the references of record disclose or suggest at least this feature of independent claim 1. Regarding claim 1, the Office Action on page 4 admits that “Perlman and Rakib fail to specifically disclose a demultiplexer in communication with the switch and the data processor configured to process AV payloads both from the separate AV packets of the integrated transport and from the AV signals of the AV only transport, wherein the AV only transport and the integrated transport are received from the switch.” To cure these deficiencies of Perlman and Rakib, the Office Action on page 4 employs Hatanaka and alleges:

Hatanaka et al. discloses a demultiplexer (fig. 1, (9)) in communication with the switch (fig. 1, (8)) and the data processor (fig. 1, (14)) configured to process AV payloads both from the separate AV packets of the integrated transport and from the AV signals of the AV only transport, wherein the AV only transport and the integrated transport are received from the switch (see col. 2, lines 30-50 and fig. 1)

Hatanaka describes “a receiving, recording and playback device in a system for receiving, recording, and playing back a digital signal.” (See Hatanaka, Abstract.) Figure 1 of Hatanaka

merely shows a playback changeover switch 8 in communication with a demultiplexer 9. This communication scheme, however, is not equivalent to one in which “AV packets associated with the integrated transport are received through a signaling pathway in which *the switch outputs the integrated transport associated with the AV packets directly to the data processor and the data processor outputs the AV packets directly to the demultiplexer,*” as claimed. (emphasis added) In the communication scheme of Hatanaka, signals are transmitted directly from changeover switch 8 to demultiplexer 9 and, therefore, no signaling pathway is shown in which “*the switch outputs the integrated transport associated with the AV packets directly to the data processor and the data processor outputs the AV packets directly to the demultiplexer,*” as claimed. (emphasis added) Thus, the apparatus of claim 1 allows the integrated transport to be processed separately (i.e., in a data processor) from the AV only transport, thereby increasing efficiency through a division of labor between components of the apparatus.

None of the references of record (Chelehmala, Lu, etc.) remedy this deficiency of Hatanaka, and for at least these reasons, Applicants respectfully submit that independent claim 1 distinguishes over the references of record and is in condition for allowance. Claims 2-4, 7-11, and 22-24 depend from independent claim 1 and are in condition for allowance at least due to their dependence on an allowable claim as well as the features they recite.

Independent claims 21 and 25 have also been amended to recite a feature similar to the feature discussed above for independent claim 1. Hence, for reasons similar to those presented above in support of claim 1, Applicants submit that independent claims 21 and 25 are in condition for allowance. Dependent claims 26-32 depend on independent claim 25 and are in condition for allowance at least due to their dependence on an allowable claim as well as the features they recite.

All rejections having been addressed, Applicant respectfully submits that this application is in condition for allowance, and respectfully requests issuance of a notice of allowance.

Respectfully submitted,
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